

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 12 noon, on Friday, the 14th September 1917/29th Chingom 1093.

Present.

DEWAN BAHADUR

M. KRISHNAN NAIR ESQ., B. A. & B. L.,

DEWAN.....*Presiding.*

A. J. Vieyra Esq., B. A.
V. Subba Aiyar Esq., B. A. & B. L.
N. Subrahmanya Aiyar Esq., M. A.
R. Mahadeva Aiyar Esq., B. A.
Rao Bahadur K. V. Rengaswami Aiyangar Esq., M. A.
N. Raman Pillai Esq., B. A.
John Kuriyan Esq., B. A., B. C. E.
I. C. Chacko Esq., B. A., B. Sc.
K. Parameswaran Pillai Esq., B. A. & B. L.
T. K. Velu Pillai Esq., B. A. & B. L.
Paul Daniel Esq., M. A. & L. T.
A. Govinda Menon Esq., B. A.
M. Subrahmanya Pillai Esq.

K. Narayanan Pandalay Esq., B. A. & B. L.....*Secretary.*

The Secretary reported that the Civil Courts Regulation Amendment Bill, the Markets Bill and the Copyright Regulation Amendment Bill, finally passed by the Council on the 25th June 1917, received the assent of His Highness the Maha Raja on the 4th August 1917, and became law as Regulations VI, VII and VIII of 1092, respectively.

THE TRAVANCORE BOUNDARIES REGULATION AMENDMENT BILL.

Mr. Subba Aiyar, in moving for permission to introduce a Bill to amend the Boundaries Regulation, III of 1058, said as follows:—

"Sir,

I beg permission to introduce a Bill to amend the Boundaries Regulation III of 1058. The Regulation is now more than thirty years old. As observed in 8 T. L. R. 90, the title and preamble of the existing Regulation are misleading. The language of the Regulation is not clear. There are very many defects in the existing Regulation. As the law stands at present, there seems to be no finality about the boundaries fixed by the Survey officers and it is open to any party to say after any length of time that the survey is wrong. Sections 12 to 25 of the Regulation deal with the reference of boundary disputes to arbitration. These provisions are seldom or never used in practice. The provisions of the Civil Procedure Code about arbitration are quite ample for the purpose. Section 26 of the Regulation empowers a Settlement officer to examine witnesses voluntarily produced in case of boundary disputes not arising out of survey but he is not empowered to compel the attendance of witnesses or the production of documents. The Regulation contains provisions about penalties for disobedience of summonses, making false statements, erasing, altering, removing or injuring boundary marks. These are unnecessary as the Travancore Penal Code contains ample provisions for the same. To remove these defects, and with a view to bring the law up to date, it is proposed to amend Regulation III of 1058. I therefore beg permission to introduce the same at the next meeting of the Council."

Seconded by Mr. Vieyra.

Carried.

THE PLANT PESTS BILL.

Mr. Subba Aiyar, in introducing the Plant Pests Bill, spoke as follows:—

"Sir,

I beg to introduce a Bill to provide for the prevention, arrest and eradication of plant pests in Travancore. A Bill to prevent the importation of plant pests into Travancore was introduced by me in this Council on the 13th December 1915. The Bill was referred to the Select Committee for report. It was brought to the notice of the Select Committee by Mr. Richardson that the prevention of importation of pests will not by itself do any good as there exist already in Travancore many kinds of pests which are injurious to crops and whose eradication is absolutely necessary in the interests of agriculture. The Committee thereupon suggested the withdrawal of the Bill and the introduction of a more comprehensive Bill on the subject. The Bill was accordingly withdrawn.

'Water Hyacinth' is an aquatic plant which has appeared in the tanks and waterways in North Travancore. The Chief Engineer has brought to the notice of the Government that this plant spreading with dangerous rapidity has become a serious menace to boat traffic. The Director of Agriculture, while pressing upon the Government the desirability of taking effective measures for the eradication of Water Hyacinth, has also suggested that the root disease of the coconut palm which is prevalent in Central and North Travancore is a more serious pest than even Water Hyacinth, and that the proposed legislation should aim at the eradication of these also. In pursuance to the above suggestions the present Bill has been drafted. In the preparation of this Bill, the British Indian Act II of 1914, the Burma Water Hyacinth Act No. I of 1917, Ceylon Ordinances 5 of 1901 and 6 of 1907 have been consulted. Clauses 4 and 5 of the Bill as to the importation of pests follow the Indian Act II of 1914. The eradication of pests can be best secured only by the co-operation of the public. The Bill therefore provides that the Government may from time to time declare what are pests for the purposes of this Regulation and specify the measures which shall be taken for the eradication of such pests. The Director of Agriculture or any officer empowered by the Government in this behalf may inspect any place whether land or water reputed to be affected by any pest and examine any plant or plants on the same. If satisfied as to the existence of this pest, he may require the owner or occupier to take such measures for the arrest or eradication of the same as may seem to him desirable. If the owner or occupier fails to take the necessary measures, the Director of Agriculture or any other officer empowered in this behalf may proceed to take the necessary measures. He may if necessary direct the destruction of any plant which is infected or which has become liable to infection. The owner of any plant destroyed shall not ordinarily be liable for compensation for any damage caused by the destruction of any pest, but it is in the discretion of the Government to award compensation in any special case if they think fit to do so. The above is the main outline of the Bill. I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Subrahmanya Aiyar.

Mr. Govinda Menon :—

"There can, I think, be no two opinions as to the necessity of enacting a measure for the prevention, arrest and eradication of plant pests in this State. For many years past, the coconut plantations of especially the Middle Travancore have been visited with a fell disease which has devastated many a rich and flourishing garden in those regions. The disease has its seat in the roots of the trees and the only way to effectively combat the spread of this pest is the complete destruction of the affected trees. Such a course has not commended itself to the mass of the people who have been the unfortunate victims of this calamity. Many of them regard it as too drastic a remedy and are not altogether convinced of the efficacy of such a treatment. Those of the people who are inclined to admit its efficacy are not inclined to take the trouble and put up with the expenses necessary to root out and destroy the affected trees, some through sheer indifference and the others for want of time and means to carry out such a measure of remedy. For over a decade ending with the date of the present great European War, the products of the coconut trees fetched a high price in the markets of the world, and even the depreciation of value of those products during the past three years of the War has not had much appreciable effect on the value of these trees. When it is considered that even diseased trees would for some time produce a good yield, the reluctance shown by the people to its destruction at the initial stage of the disease is not much to be wondered at in the present state of their knowledge and appreciation of the scientific treatment of plant pests. In these circumstances, the only way to arrest, at present, the spread of the disease to other parts of the State and to root out the disease from the affected areas is to arm Government with a measure more or less on the lines suggested by the Bill now before the Council. The same remarks apply *pari passu* to the Water Hyacinth whose spread, if not timely arrested, is certain not only to impede the free navigation of our rivers and canals but also the successful cultivation of our Pancha (പഞ്ച) lands. The necessity of legislation being thus clear, our duty is to see whether the draft Bill before the Council satisfies the requirements of a successful piece of legislation in this instance. I submit that it does not. There are in the first place defects in drafting it, due probably to want of proper technical knowledge or to oversight on the part of the draftsman. As an instance, I may point out that the definition of 'Pest' is not correct. It ought to include what are called 'bacteria' also in its definition. What is termed 'Bud-rot' and allied pests are bacterial in their nature and such pests are not, I am informed, uncommon in this State. Then again, the wording of Section 5 is not clear and the provisions contained in Sections 7, 8 and 9 enunciate a principle which cannot be reasonably supposed to be one consciously advocated by the framer of the Bill. These three Sections, as they are, practically penalise those who choose to obey the orders issued by the Agricultural Department in that they do not allow them any compensation for any damage caused by the carrying out of the methods required by such orders, while such compensation is allowed in certain cases to those whose disobedience of such orders forces the authorities to carry out the measures enjoined by those orders at their own expense. Of course, Section 10 provides a penalty for disobedience of such orders and thereby enables Government indirectly to recoup the expenses they may have to incur in carrying the measures they might have ordered the ryots to carry out, but such a device is so palpably unjust that I could scarcely bring myself to believe that it was adopted after conscious deliberation.

Apart from these defects which are more or less formal and could be easily set right in the Committee stage, there are others of vital importance which concern the actual working of

the Bill. Who is to pay the cost of carrying out the remedial measures that might be required for the eradication, prevention and arrest of a pest? If, in carrying out such measures, trees assessed to the revenue have to be destroyed, are the owners of such trees still to be liable for the payment of the assessment thereon till the next Settlement? Are the ryots who, in carrying out the remedial measures enjoined to be carried out by them, have to destroy valuable trees, assessed and unassessed to the revenue, to receive any compensation and if so, who is to fix it and what is the basis on which it ought to be calculated? To none of these questions I see a clear answer in the Bill now under consideration. The owner or occupier of a holding may be the person who is immediately benefited by carrying out the remedial measures with regard to the pest which affects the plants in his holding, but the object of all such measures is to prevent the pest from spreading its evil effects in such a way as to affect the public at large. It is therefore the bounden duty of Government who represent the public to defray all the expenses in connection with the carrying out of all the remedial measures that may be enforced under the Bill and to see that no individual suffers any loss or damage by their acts. With these few observations, I beg to support the principle of the Bill."

Mr. Subba Aiyar :—

"With reference to the observations of Mr. Govinda Menon, I may state that they will be duly considered by the Select Committee and by the Council, and that the defects, if any, will be rectified."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Vieyra, Govinda Menon and the Mover, to report within three months.

Seconded by Mr. Rengaswamy Aiyangar.

Carried.

THE ANIMALS DISEASES BILL.

Mr. Subba Aiyar then introduced the Animals Diseases Bill, and spoke as follows :—

"Sir,

I beg to introduce a Bill for the prevention of the spread of diseases among animals. There is at present no law on the subject except the Glanders and Farcy Regulation V of 1091. In an agricultural country like Travancore nothing is more important to the prosperity of the agriculturist than the possession of healthy cattle. It is common knowledge that once an infectious cattle disease breaks out in any locality it works considerable havoc among the cattle and many of them succumb to it. In many cases the ryot finds himself unable to replace them without running into debt. It will therefore be conceded that a law which is likely to give some measure of relief to the ryot by preventing the spread of cattle diseases is desirable. Recently, there was an outbreak of anthrax in Trivandrum, and it was found difficult to prevent the spread of the disease owing to the absence of any law on the subject. It is not thought desirable that the Regulation should apply in the first instance to the whole of Travancore. The Regulation will be made applicable to such parts of Travancore and during such periods as the Government may by a Notification direct. The spread of an infectious or contagious disease is best prevented by keeping the diseased animal aloof from those that are not affected and in a place set apart for them. In places to which the Regulation is made applicable, hospital pounds will therefore be established by the Government which will be placed in charge of Inspectors under the control of the Director of Agriculture. If in such an area any animal is affected with a contagious or infectious disease the owner is to give with all possible speed notice of the fact of the animal being so affected to the nearest Inspector. On receipt of such information, the Inspector goes to the place and, if after the inspection of the animal is satisfied that the animal is affected with such disease, he may direct that the animal be sent to the hospital pound. When the Inspector takes charge of the animal all expenses incurred on account of feeding and medical treatment are borne by the Government. There is however no objection to the owner supplying the necessary food and medicine as may be approved by the Inspector. If the animal recovers, the cost of food and medicine, if incurred by the Government, may be realised from the owner. The Inspector may, if he thinks fit, direct the destruction of the animal. If the animal is killed or dies while in the custody of the Inspector, he shall not be liable for any compensation on account of the same. The Inspector has the power to cause the premises in which any diseased animal may have been kept to be cleansed and disinfected. Omission to give notice to the Inspector or to obey his directions under the Regulation is made punishable. Inspectors of hospital pounds, Police officers not below the rank of a Head Constable and other persons authorised by the District Magistrate in this behalf may seize and impound all diseased animals. If any person is aggrieved by the seizure, he may complain to the Magistrate who, if satisfied that the seizure is illegal, may direct the release of the animal and also award compensation to the party aggrieved for any loss or injury sustained by the seizure. In this respect the Bill follows the provisions of the Cattle Trespass Regulation. The above is the main outline of the Bill, and I trust it will meet with the approval of the Council. I therefore beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Raman Pillai.